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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wei-Qiang GAO

Appl. No. : 09/849,868

Filed : May 4, 2001

For : HAIR CELL DISORDERS

Examiner : C. Delacroix-Muirheid

) Group Art Unit 1614

) I hereby certify that this correspondence and all
) marked attachments are being deposited with
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) Patent and Trademark Office, P.O. Box 2327,
) Arlington, VA 22202, on

October 31, 2002

(Date)

James J. Millen III, Ph.D., Reg. No. 44,957

RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

In response to the requirement for restriction dated October 1, 2002, Applicants submit that searching the subject matter of the claims as originally filed would not present an undue burden on the part of the United States Patent and Trademark Office and therefore the claims as a whole should be examined. Accordingly, Applicants traverse the present restriction requirement.

Applicants provisionally elect the claims of Group I with traverse. Group I, as noted by the Examiner in the subject Official Action, comprises Claims 1-17, which are drawn to a method for inducing hair cell regeneration, increasing the number of inner ear supporting cells, method of treating hair cell related disorders, classified in class 514, subclass 2. Notwithstanding the provisional election, Applicants respectfully reserve the right to rejoin any cancelled claims in view of the rejoinder doctrine articulated by the Federal Circuit in *In re Ochiai*, 77 F.3d 1565

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(1995), and in *In re Brouwer*, 77 F.3d 422 (1996), and as discussed in Section 821.04 of the MPEP.

No fees are seen as being necessary in connection with this Response. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410. A copy of this response is attached for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 31 OCT 2002

By: 

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